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Statement on License Renewal
Public Meeting

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UNITED STATES OF AMERICA

NUCLEAR REGULATORY COMMISSION

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ENVIRONMENTAL SCOPING MEETING

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LICENSE RENEWAL GENERIC ENVIRONMENTAL

IMPACT STATEMENT

(NUREG-1437) UPDATE

+ + + + +

THURSDAY

JULY 10, 2003

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OAK LAWN, ILLINOIS

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The Environmental Scoping Meeting met at The
Oak Lawn Hilton, 9333 S. Cicero Avenue, at 7:03 p.m.,
Chip Cameron presiding.

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I N D E X

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P-R-O-C-E-E-D-I-N-G-S

(7:03 P.M.)

MR. CAMERON: Good evening, everyone. My name is Chip Cameron and I'm the Special Counsel for Public Liaison at the Nuclear Regulatory Commission and I'd like to welcome you to the NRC's Public Meeting. And our topic tonight is the update of the generic environmental impact statement on license renewal for nuclear power plants and I'm going to be serving as the facilitator for the meeting tonight. And in that capacity, I'll try to help all of you to have a productive meeting.

And I just want to cover a couple of things about the meeting process before we get into the substance of the discussions tonight. You'll be hearing a little bit more about this from the NRC staff but our objectives tonight are to clearly explain the update process for the generic environmental impact statement and to answer any questions you have about that process.

The second objective is to listen to your advice and concerns on the environmental impact statement update process and the criteria that are going to be used in that process. And I wanted to emphasize the importance of the information sharing aspect of tonight's meeting.

All of your comments that you make tonight

1 are going to be considered and evaluated by the NRC
2 staff in their decision making in the scope of the
3 generic environmental impact statement. And those
4 comments will have the same weight as any written
5 comments that are submitted. You're going to hear a
6 lot of information tonight from the NRC staff, from
7 others that are in the audience. And this information
8 may prompt you to submit a written comment to us or
9 help you in preparing a written comment. So I want to
10 make sure that we answer all your questions and that
11 we get the information out to you.

12 The format for the meeting matches the two
13 objectives of providing information and listening to
14 whatever you might have to say and the first part of
15 the meeting will be two brief presentations by the NRC
16 staff and then we'll go on to you for questions and
17 discussion.

18 The second part of the meeting is to give
19 those of you an opportunity who want to make a formal
20 comment an opportunity for you to do that. And I
21 think what we'll do in the spirit of sharing
22 information is after the formal comments, we'll come
23 back and see if there are any questions that you have
24 that might have been prompted by the formal comments.
25 So we'll come back out to you for that.

26 In terms of ground rules for tonight's
27 meeting, they're very simple. If you have anything to

1 say, just give me a signal and I'll bring you this
2 talking stick and give us your name and affiliation if
3 appropriate. I would just ask that only one person
4 speak at a time so that we can give them our full
5 attention and so that we get a clean transcript.
6 Stuart Karoubas is our stenographer here and he will
7 be recording everything that is said tonight and that
8 transcript will be available for anybody that wants a
9 copy. And that may also help you if you're preparing
10 any written comments to send us.

11 I don't think that we're going to be
12 pressed for time. I usually ask people to be concise
13 in what they say which is difficult sometimes on
14 controversial subjects but I think we'll have plenty
15 of time to hear from everyone tonight.

16 In terms of the agenda and the NRC staff
17 who are going to be speaking to you tonight, we're
18 going to start off with an overview of the license
19 renewal program. And we have Mr. John Tappert right
20 here from the NRC staff and John is the Chief of the
21 environmental review section in the license renewal
22 and the environmental impact program at the NRC. And
23 that is located in our office of Nuclear Reactor
24 Regulation.

25 John and his staff are responsible for
26 doing environmental, preparing environmental reviews
27 for not only license renewal applications but for any

1 type of nuclear reactor activity. And John's been
2 with the NRC for about thirteen years. Before he made
3 the section leader, one of his responsibilities was to
4 be a resident inspector, NRC resident inspector at the
5 nuclear power plants that we license and regulate.
6 Before he came to the NRC, he was in the nuclear Navy.
7 He has a bachelor's degree in atmospheric and
8 oceanographic engineering from Virginia Tech and a
9 master's in environmental engineering from Johns
10 Hopkins University.

11 After John is done, we're going to go
12 right to the next presentation and that's going to be
13 the heart of the subject tonight which is the generic
14 environmental impact statement update. And we have
15 Mr. Barry Zalcmán right here and Barry is the project
16 manager on the update of the generic environmental
17 impact statement. He has been involved in the
18 environmental review on license renewal application
19 since the very beginning.

20 He's also been in a management position in
21 terms of emergency planning for nuclear power reactors
22 and also for the early site permit program. Barry has
23 been with the Agency for quite a while. He was with
24 the Dames & Moore consulting engineering company
25 before that. And he has a bachelor's from Rutgers in
26 atmospheric sciences and has done graduate study on
27 [geophysical] fluid mechanics [sic, dynamics]. And

1 I think that's about as close as I can get to what
2 that is, Barry.

3 But we're going to start with those two
4 and let me introduce you to one other person who's
5 with us tonight. This is the senior NRC management,
6 Dr. P.T. Kuo right here. And P.T. is the Chief of the
7 license renewal and environmental impact program.
8 Both Barry and John work for P.T. in that program and
9 I think John will be telling you that license renewal
10 consists not only of an environmental review component
11 but also a safety evaluation. And both of those
12 functions are under P.T.'s supervision.

13 And with that I would just thank you all
14 for being here. We can be really informal tonight and
15 just get some good discussion going and we look
16 forward to hearing from all of you. John, do you want
17 to lead us off?

18 MR. TAPPERT: Thank you, Chip. As Chip
19 said, my name is John Tappert. I too would like to
20 welcome you to this meeting. It's the second of four
21 that the NRC is having across the country on this
22 topic and thank you for attending.

23 First I'd like to tell you why we're
24 having this meeting and then to introduce the license
25 renewal process and the role of the environmental
26 review in that process. Then finally explain what we
27 hope to accomplish tonight.

1 We're holding this meeting to invite the
2 public to participate in the scoping process that will
3 assist the NRC in framing the environmental issues
4 that should be considered as we update the generic
5 environmental impact statement or GEIS. Now this
6 generic environmental impact statement or GEIS, and
7 the NRC rule that was implemented reflecting the
8 final conclusions of the GEIS, are fundamental
9 components of the NRC's license renewal program.

10 The findings of the GEIS are used by the
11 NRC when conducting the environmental review. Now
12 this environmental review is an important part of the
13 license renewal program. And along with the safety
14 review and on site inspection activities forms the
15 basis of the staff's recommendation to either renew or
16 not to renew the operating license of a nuclear power
17 plant.

18 Now the NRC has the authority to license
19 nuclear power plants for up to a period of forty
20 years. While there's no engineering limitations
21 associated with this period, the United States
22 Congress and the Atomic Energy Act of 1954, envisioned
23 that the forty year period provided the right balance
24 between the nation's long-term energy planning needs
25 and financial considerations.

26 Congress also envisioned that these
27 licenses could be renewed and so stated in the Act.

1 However, they provide no additional guidance and the
2 implementation details were left up to the Commission.
3 Since that time, nuclear power has grown to be an
4 important part of the nation's energy mix, making up
5 about twenty percent of the electrical energy produced
6 in the United States today.

7 Over the years, nuclear technology has
8 matured and the focus on reactor safety and
9 environmental protection has been strengthened. The
10 industry has expressed an interest in renewing the
11 licenses of virtually all the nuclear power plants.
12 Now the NRC's role in this is to not promote nuclear
13 power but rather to ensure that the public and the
14 environment are protected and that nuclear materials
15 are secure. I'll discuss more about the status of the
16 license renewal program in a later slide.

17 Now this slide depicts the license renewal
18 process. As nuclear power plants progressed through
19 their 40-year licenses, the NRC initiated the license
20 renewal program and established the regulatory
21 framework to permit renewal. The license renewal
22 program was created in the late 1980s to establish a
23 systematic review of those important safety attributes
24 of nuclear power plants that are associated with the
25 aging of facilities.

26 The safety activities are focused on aging
27 management programs for passive, long-lived systems,

1 structures and components and require reassessment of
2 this time-limited analyses that assumed forty years of
3 use. These activities involve the NRC staff
4 development of a safety evaluation report, conducting
5 inspection activities and independent evaluation of
6 the Commission's Advisory Committee on Reactor
7 Safeguards.

8 That Committee was established by Atomic
9 Energy Act and is a collection of experts in the
10 nuclear arena to provide independent advice to the
11 Commission. Now the reason that the Commission felt
12 that it could narrow its safety focus to aging
13 management programs, is that for other aspects of
14 operations, there are ongoing regulatory processes
15 that monitor and ensure safety and a key provision for
16 programs such as security and emergency planning.

17 Now in addition to the safety review, the
18 staff conducts an independent review of the
19 environmental impacts associated with the continued
20 operation of the facility during the renewal period.
21 Now the Commission determined that the action to
22 consider whether or not to renew the operating license
23 of a nuclear power plant should allow for a high level
24 of public participation during the environmental
25 review. And they decided that a site specific
26 environmental impact statement will be developed for
27 each and every license renewal.

1 Now, whereas the NRC safety activities are
2 governed by the Atomic Energy Act, its environmental
3 protection activities are governed by the National
4 Environmental Policy Act or NEPA. The NRC has
5 established its implementing regulations for license
6 renewal in Title 10 of the Code of Federal Regulations
7 or 10 CFR, Part 54. And the implementing regulations
8 for the environmental review can be found in Part 51.
9 Next slide.

10 As part of the license renewal program
11 initiated in the late 1980s, the NRC undertook a
12 comprehensive review of the environmental issues
13 associated with continued operation of nuclear power
14 plants beyond the term of the current operating
15 license, and the specific activities associated with
16 the refurbishment that may be necessary for continued
17 operation during the renewal period. And the results
18 of this comprehensive review were issued in 1996 as
19 NUREG-1437, the Generic Environmental Impact Statement
20 for license renewal for nuclear power plants.

21 In total, 92 environmental issues were
22 identified across the ecological, physical, social and
23 radiological sciences that need to be considered for
24 refurbishment activities and for continued operation.
25 The findings of the GEIS that were issued in 1996,
26 were codified in the NRC regulations at 10 CFR, Part
27 51.

1 In publishing these regulations, the
2 Commission indicated its intent to revisit the GEIS
3 and its implementing regulations on a 10-year cycle to
4 determine whether the technical basis or conclusions
5 need to be updated. Now as this program has been
6 implemented, changes have occurred and the staff has
7 captured these changes as they were identified in the
8 site specific environmental impact statements that
9 were developed for each of the projects.

10 The GEIS represented a snapshot in time.
11 And now it's time to determine whether the changes
12 that have occurred should be included in an update to
13 the GEIS. To date, the NRC has received 14
14 applications for the renewal of 30 reactor licenses.
15 The NRC has issued 16 renewed licenses for these
16 reactors.

17 Now indications are that multiple renewal
18 applications will continue to be filed every year over
19 the next decade, and virtually the entire fleet of
20 nuclear power plants will seek renewal.

21 And, so with that, we are here today to
22 listen to your views and look forward to your
23 participation in helping the NRC determine the scope
24 of the GEIS update. I've talked about a brief outline
25 of the role of the environmental review in our license
26 renewal activities and it's importance in the NRC's
27 regulatory framework.

1 You have an important role in identifying
2 generic environmental issues that we should consider
3 for all nuclear power plants. Now the notice for
4 these meetings -- and extra copies are available at
5 the registration desk -- we've identified resources to
6 assist you in understanding the license renewal
7 process works and the results of that process to date.

8 And, as we consider changes to update the
9 GEIS, we will continue to evaluate new applications
10 under the existing regulatory framework. The insights
11 gained from this GEIS update process may very well be
12 implemented in the current applications under review.

13 And with that, I'd like to ask Barry to
14 provide some additional details on the update process.

15 MR. CAMERON: Okay, great. Thank you,
16 John. And if you just bear with us, we're going to
17 have Barry continue this and it will make a lot more
18 sense I think for the question period. Barry?

19 MR. ZALCMAN: Thanks, Chip. Well, for
20 those of you who have participated in the license
21 renewal process as it was being developed, and
22 specifically the generic environmental impact
23 statement through the late 1980s and early 1990s, I
24 welcome you back. For those of you that have just
25 recently become aware of license renewal or have
26 expressed an interest to participate as we move
27 forward, you're welcome as well.

1 If it becomes apparent from this process
2 that the NRC will in fact need to go forward to update
3 the generic environmental impact statement, then
4 you'll have additional opportunities to participate
5 with us as we develop a draft update and the proposed
6 rule change that will go along with that update.

7 After the opportunity to comment on the
8 draft update to the GEIS and to the proposed rule, the
9 NRC will plan to issue a final updated GEIS. We
10 expect it to be a stand alone document with its
11 companion rule change. As John indicated, license
12 renewal has a number of components. We're here
13 tonight to focus on the environmental portion and the
14 important technical basis document that we refer to as
15 the GEIS.

16 As I walk through my slides tonight, I'd
17 like to provide you with a perspective on the NEPA
18 process; how the NRC relates it to license renewal;
19 and plan to provide some detail on how the GEIS fits
20 into the NRC's regulatory framework. I'll briefly
21 discuss how the hundred or so environmental issues
22 associated with license renewal were evaluated for all
23 plants and were categorized so that the unique issues
24 associated with a specific application for a
25 particular plant becomes the focus of our review.

26 So let me start tonight's discussion with
27 a high-level brief outline of the National

1 Environmental Policy Act and only remark that it is,
2 in fact, the landmark piece of environmental
3 legislation ever issued by Congress.

4 It expresses the principle that the
5 Federal government should consider and disclose not
6 only to the public, but also to officials and to the
7 decision makers that must ultimately implement
8 decisions, the effects of certain actions on the human
9 environment. And the Nuclear Regulatory Commission
10 determined that the licensing action, or in this case
11 the Federal action, associated with an applicant's
12 request to renew an application for a nuclear power
13 reactor, warrants the development of an environmental
14 impact statement. That, in turn, provides for the
15 highest level of participation in the NRC
16 environmental review process.

17 The Commission also determined that the
18 environmental review for license renewal may have
19 common attributes for some, but not all, environmental
20 issues. The Commission directed the staff, as John
21 indicated already, in the 1980s to undertake the
22 development of the Generic Environmental Impact
23 Statement, or GEIS, for license renewal to establish
24 an effective licensing process.

25 Those environmental issues that could be
26 resolved generically were analyzed in detail and were
27 resolved in the GEIS. Those issues that were unique

1 because of a site specific attribute of the issue; or
2 peculiar site setting; or unique plant interface with
3 the environment; or where there is variability from
4 site to site were deferred and are required to be
5 resolved at the time that an applicant seeks to renew
6 its operating license.

7 Therefore, by rule, the NRC staff prepares
8 the site specific supplement in association with each
9 and every application for license renewal. Each
10 applicant is required to submit a detailed
11 environmental report as part of its request to renew
12 an operating license. Each NRC supplement results
13 from its independent review of information presented
14 by the applicant, intergovernmental interactions,
15 environmental audits, interviews and analyses and
16 public participation.

17 The NRC relies in part on the findings of
18 the GEIS and the staff assesses whether new
19 information may be significant to bring into question
20 any of the findings of the GEIS for each application.
21 This is a dynamic process. And the NRC even
22 established a requirement that an applicant identify
23 any new and significant information that it may become
24 aware of to ensure it is considered in performing the
25 environmental review.

26 NEPA requires a systematic approach to
27 evaluate environmental issues. In performing the

1 analyses to evaluate the environmental impacts
2 associated with license renewal actions, mitigative
3 measures to reduce those impacts, however small, and
4 alternatives to the proposal, including a no-action
5 alternative, are considered.

6 Therefore, NEPA and the NRC environmental
7 statements that are produced are disclosure
8 mechanisms. EISs are used to inform decision makers
9 of the impacts of actions contemplated and are used to
10 describe the factors considered. EISs are subject to
11 public scrutiny and direct participation.

12 The range of issues originally involved in
13 the thorough analysis as we develop the GEIS, and
14 again in the review of every license renewal
15 application, is comprehensive. For this GEIS update,
16 and for every site specific review, we establish a
17 team made up of members of the NRC staff, many of whom
18 are experts in their own right, and supplement that
19 with experts in various fields from national
20 laboratories.

21 For this GEIS update, the team consists of
22 NRC staff experts and contractors from the Pacific
23 Northwest National Laboratory. In total, there are
24 more than 250 total years of technical experience in
25 performing siting in environmental reviews being
26 amassed for this effort. And this slide gives you an
27 idea of the issues involved in the technical areas

1 that the NRC team of experts evaluate. Next slide.

2 Now let me briefly address how we arrived
3 at the GEIS. This GEIS, NUREG-1437, specifically
4 applies to license renewal. And I say that because
5 there are other generic environmental evaluations that
6 may have been completed and may also inform license
7 renewal decisions. Since some of the evaluations
8 already represent the Commission's position by rule,
9 they may serve as a useful purpose in license renewal
10 as well.

11 A number of these are enumerated in the
12 NRC's environmental protection regulations, as John
13 indicated, in 10 CFR Part 51. As we consider license
14 renewal, the environmental equilibrium that has been
15 established after some period of time of plant
16 operation is well understood. This situation clearly
17 differs from new reactor licensing where lands may be
18 disturbed; where new demands may be placed on
19 resources; and where new discharges may need to be
20 permitted. Such issues would have to be considered
21 individually and cumulatively without the benefit of
22 real operating experience and interface with the
23 environment.

24 As we stated earlier, the Commission
25 envisioned that there would be issues that would be
26 common across all operating plants with real
27 supporting information no matter what type of reactor

1 or cooling system was used at that plant.

2 The NRC staff and its contractors obtained
3 a wealth of information leading up to the 1996 GEIS
4 across the entire spectrum of technical issues, as I
5 showed on an earlier slide, as the basis of the
6 initial hard look at the environmental impacts.

7 That effort, just as this and any other
8 NRC effort to develop an environmental impact
9 statement, began with a scoping process and ultimately
10 a draft and then a final environmental impact
11 statement. The NRC established a significance test to
12 assess whether -- the magnitude of impacts and
13 considered whether mitigation was warranted. From
14 that process, the NRC organized the environmental
15 issues and categorized them into those that would be
16 generically dispositioned, referred to as Category-1
17 issues, based upon the full analysis of the GEIS, and
18 those that could not and, as a result, require site
19 specific resolution.

20 For example, one of the myriad of issues
21 associated with electric power production, is the
22 generation of ozone and nitrous oxide by transmission
23 line distribution systems. After analysis in the
24 GEIS, the NRC found that the amount of ozone and NOX
25 that was generated was insignificant and it did not
26 contribute measurably to the ambient ozone and NOX
27 levels. Consequently, the issue is generically

1 resolved in the GEIS and was codified in the rule. To
2 date, we're not aware of any significant new
3 information on the issue that would call into question
4 the conclusion.

5 An example of an issue that could not
6 possibly be resolved generically is the impact of
7 major refurbishment activities on issues that deal
8 with threatened or endangered species. Consequently,
9 this issue must be thoroughly analyzed by the
10 applicant as part of its submittal, and in its
11 environmental report, and then again the NRC performs
12 an independent evaluation of the issue as part of its
13 own environmental impact statement.

14 So even though Category-1 issues have been
15 addressed in the GEIS, the staff looks for new and
16 significant information on the Category-1 issues
17 during each environmental review that may change the
18 conclusion in the GEIS when it's applied to a
19 particular site.

20 The scoping process, when we first
21 developed NUREG-1437, the GEIS, involved public
22 stakeholders as well as governmental officials
23 representing State and Federal agencies. A notice for
24 this first review of the GEIS, invited them all to
25 participate in this effort again. The findings and
26 conclusions of the GEIS were codified in NRC
27 regulations at 10 CFR Part 51, which establish

1 requirements for applicants and the NRC alike.

2 In all, at this time, there are 92
3 environmental issues identified as related to license
4 renewal with 69 considered resolved generically. The
5 remaining 23 issues must be considered site
6 specifically. The thorough analyses in the GEIS were
7 brought forward in the site specific supplements to
8 the GEIS and the balance of the applicable site
9 specific issues are analyzed in the supplement. There
10 is a detailed accounting of each of the 92 issues in
11 every supplement.

12 The license renewal program is a large
13 part of NRC's licensing framework for power reactors
14 and has become a very large part of its workload. The
15 NRC anticipates that the program will grow to about
16 one application submitted every two months into the
17 foreseeable future. As John indicated, almost one
18 third of the nuclear power plants have already applied
19 to have their licenses renewed. During this GEIS
20 update process, license renewal will continue. One of
21 the obvious goals is to preserve the regulatory
22 stability that exists to date so that the public can
23 participate in a predictable fashion.

24 The goals for processing applications are
25 clearly defined and the opportunities for public
26 participation are prescribed at key milestones within
27 the published schedules. On the update project, the

1 NRC staff has initiated this scoping process early to
2 invite public participation so the scale of the effort
3 can be accommodated and still meet the Commission's
4 goal by 2006.

5 The NRC is seeking your input to help
6 determine the scope of the addendum to the GEIS to
7 identify whether there are any significant issues that
8 should be analyzed in depth, that have not been
9 before; or any issues that should be reevaluated
10 because of changes; or any issues that should no
11 longer be considered germane to the environmental
12 review for license renewal. The scoping process also
13 helps the NRC identify and eliminate from detailed
14 study those issues that are peripheral or that are not
15 significant or which have been covered by prior
16 interdepartmental review.

17 As I mentioned earlier, there were other
18 analyses and environmental reviews, and not just those
19 undertaken by the NRC, that may inform the NRC's
20 license renewal process. As examples, the NRC
21 recently updated the Generic Environmental Impact
22 Statement for decommissioning, NUREG-0586,
23 Supplement 1. The NRC conducts environmental reviews
24 associated with extended power uprates. Programmatic
25 EISs and other EISs are produced by the Department of
26 Energy and other regulatory agencies.

27 The scoping process also invites other

1 agencies to assess whether they should be considered
2 a cooperating agency under the regulatory structure
3 established by the President's Council on
4 Environmental Quality, or identify that they may have
5 a particular expertise on an issue that may be
6 invaluable to the NRC, or have consultation roles
7 under other statutes that may have a bearing on
8 generic, as opposed to site specific, issues.

9 The purpose in these meetings for this
10 update is to review the findings and conclusions made
11 by the NRC in the 1996 and the 1999 addendum time
12 frame[s] to determine whether they need to be
13 revisited, and how.

14 Since 1996, new information may have come
15 to light that should be considered to determine
16 whether it is significant. Science and the natural
17 environment march on and our understanding of issues,
18 methods, and assumptions may need to be refined.
19 Experience gained in using the regulatory framework
20 may identify situations where we used less than
21 optimal approaches to address issues and state
22 conclusions. And changes in statutes, regulations,
23 policies, practices and even the structure of the
24 power market, may have a cascading impact on the NRC's
25 regulatory framework.

26 To date, the NRC has received 14
27 applications for license renewal for power reactors at

1 17 sites. The NRC has issued 11 final environmental
2 impact statements and the NRC has acted on 8 of those
3 EISs already, renewing the licenses of 16 power
4 reactors. In processing these applications, the
5 staff, the public, and applicants have gained
6 extensive experience in using the GEIS and the
7 companion license renewal environmental protection
8 rules.

9 Some are more familiar with it than
10 others; that's entirely understandable. Some utility
11 organizations are on their second and third
12 application while others are still contemplating
13 whether or when to pursue license renewal. The staff
14 continues to compile its own lessons learned and, from
15 that list, has identified groupings of candidate
16 drivers that may prompt consideration for change.

17 As a framework, the staff has already
18 identified these seven criteria to help decide whether
19 an environmental topic identified by the staff or by
20 this scoping process, namely by you and others that
21 may take the opportunity to provide us with
22 information over the next several months, is
23 appropriate to be considered for this update project.

24 We're also looking for your feedback on
25 this list of criteria as well as your specific input
26 characterizing one or more environmental topics and
27 your description of the bases for consideration by the

1 staff. At the outset, it is absolutely fundamental
2 that we begin this process with the GEIS and its
3 Addendum 1 as the base starting point. It is the
4 frame of reference.

5 It is as important to note that this
6 update effort is not going to serve as a platform for
7 a wholesale change to the license renewal process.
8 Other avenues exist, if that's the path of interaction
9 that you want to have with the NRC. Namely, a
10 petition to the Commission for a rule change.

11 On a related point that can serve as an
12 illustrative example, the industry previously
13 petitioned to the Commission a request to amend the
14 rules and eliminate a particular license renewal
15 environmental issue from review. Namely, severe
16 accident mitigation alternatives or SAMAs. The
17 petitioner articulated the basis as rationale for
18 change; the staff sought public input on the proposal
19 and made a recommendation to the Commission; and the
20 Commission denied the request of the petitioner.

21 That is the mechanism that's to be
22 considered for changes to the underlying rule
23 structure, not the GEIS update project. The focus
24 here is the 92 issues that were addressed in the GEIS
25 which, in turn, were codified in the rule.

26 And, as for the petition I just mentioned,
27 it would not be productive to revisit the SAMA issue

1 as part of this process unless there's a significant
2 change to the rationale presented earlier.

3 As you consider these criteria, we believe
4 it would be useful to provide you with examples as
5 well so you can reflect on them in preparing your
6 comments either here tonight or in writing over the
7 next several months. So if you'll bear with me a
8 little longer, let me provide some examples where we
9 can.

10
11 On New and Significant Information, the
12 staff has identified, in isolated instances, new
13 information that had not been previously considered.
14 The very first one that we faced was extremophiles.
15 In identifying new information, we also determined in
16 this case that it was not both new and significant.

17 Changes in staff practice have resulted
18 from evolutions that have occurred since the issuance
19 of the GEIS and its Addendum 1. As examples, actions
20 related to the investigation of Yucca Mountain to
21 serve as a national repository and the expression of
22 interest by the industry and Congress and deployment
23 of new nuclear power plants. Consequently, our
24 environmental impact statements now recognize the
25 Presidential declaration on Yucca Mountain and the new
26 alternative to license renewal involving new nuclear
27 power plants.

1 Second item, Statutory or Regulatory
2 Changes. The NRC staff is tracking the EPA initiative
3 on cooling water intake structures for existing
4 facilities. As this issue matures, it may have a
5 bearing on the conclusions in the GEIS. As some of
6 you may be aware, as a result of prior precedents, the
7 NRC is obliged to adopt the EPA technical conclusions
8 regarding the Clean Water Act. So, if this issue is
9 being resolved before the NRC issues its addendum and
10 the companion rule, then it will be considered. If
11 not, then after it is resolved, it will be reflected
12 in the subsequent environmental impact statements as
13 they are submitted. It will probably be ripe for
14 consideration in the second review of the GEIS update.

15
16 Industry Structural Changes. Obviously,
17 the deregulation of the power market and the bundling
18 of services -- that is, generators of power versus
19 distributors of power -- may have some bearing on the
20 influence or control over activities that the current
21 license holder might have compared to the original
22 license holder.

23 We're interested to hear about the
24 environmental topics that might be affected and the
25 rationale for changing the rule or the GEIS. We
26 should keep in mind that some utilities still do own
27 both the plant and the transmission line system while

1 others do not. So, a single conclusion in the GEIS
2 might not apply to all of these utilities. Should a
3 change be made to the GEIS to account for merchant
4 plans that did not have a particular service area and,
5 therefore, did not control the power of distribution
6 or transmission line systems?

7
8 Next item, Incorrect Characterization.
9 The GEIS states that license renewal is a major
10 Federal action significantly affecting the human
11 environment. The Commission was not swayed by
12 arguments for or against the point, but rather
13 elected to require the staff to develop an EIS for
14 license renewal action to ensure that the public had
15 the highest level of participation on the action.

16 Now this decision was taken in concert
17 with recommendations from the Council on Environmental
18 Quality, the EPA and State officials, and public
19 comments. Should this not be reflected in the update
20 to the GEIS?

21
22 Omitted Issue. In recent reviews, the
23 staff has considered the impacts associated with
24 dredging activities that may occur periodically.
25 Dredging may not be required at all facilities, but
26 where it is necessary, it may be performed at some
27 point during the renewal period. Whether it is to be

1 treated generically, because of the analyses to
2 support the permitting requirements for the Army Corps
3 of Engineers, or site specifically, it should be
4 addressed in the GEIS either way.

5
6 Confusion. SAMAs are evaluated as a site
7 specific issue unless previously evaluated under
8 another licensing action, such as was with initial
9 licensing for the latter portion of plants that were
10 licensed. Associated with SAMAs is the environmental
11 impact of severe accidents, which was already
12 determined to be small for all plants. Analyses for
13 that conclusion is in the GEIS and its appendices.

14 In reality, the impact from severe
15 accidents is another issue separate from SAMAs.
16 Consequently, the staff will consider whether it's
17 warranted to call this out, to eliminate confusion.

18
19 And the last category that we've
20 identified as a criterion, Realignment to Improve
21 Clarity. Currently, there are 92 issues addressed in
22 the GEIS and, apart from the SAMA issue I just
23 discussed, some of these are solely related to
24 continued operation during the renewal period. Some
25 are related to refurbishment activities. And some are
26 related to both.

27 For specific applications, the enumeration

1 of issues becomes complicated when for one or more
2 issues that are supposed to apply to both
3 refurbishment and the renewal period, apply only to
4 the renewal period because no major refurbishment is
5 contemplated.

6 A potential solution is the realignment so
7 that any one issue is either for refurbishment or for
8 the renewal period, but not both. The consequence of
9 this will be an increase in the number of issues
10 solely for accounting purposes with an expected
11 improvement in clarity.

12
13 Hopefully, this provides a sense of the
14 staff experiences during license renewal reviews. Our
15 list of lessons learned continues to grow as more
16 environmental reviews are conducted. And we'd like to
17 hear what's on your list.

18 We'd appreciate your input on the criteria
19 that we're considering to drive the change and the
20 treatment of specific issues with detailed rationale
21 and technical bases to support any recommendation for
22 change. The staff will give serious consideration to
23 your input here tonight and to any input that we
24 receive prior to the end of the scoping period.

25 From this input, we will be in a better
26 position to refine the balance of the schedule for the
27 draft and final EISs and the proposed and final rule

1 changes, if warranted. The opportunity to comment on
2 the draft update will be the same opportunity as on
3 the proposed rule. They go hand-in-hand. And we
4 expect to meet the Commission's goal for the 10-year
5 update with the final Addendum being published in
6 2006.

7 As I wind down with this background
8 discussion, let me reiterate I am the NRC point of
9 contact for the GEIS update. I've included Stacey
10 Fox's name as an alternate point of contact as we
11 begin this project. Stacey will also have project
12 responsibilities and may be in a better position to
13 respond to you directly during the course of the
14 project.

15 We're working together to manage the
16 project and our team of experts, some of which are
17 here tonight. The scoping summary report, which will
18 detail the comments collected during the scoping
19 period, will be available to the public on the NRC's
20 web page and through our public document room in the
21 Washington, D.C. area.

22 And this slide points out where you can
23 view that document and associated documents. In
24 addition, we'll mail you a hard copy of it and of all
25 future work products that come out of this project if
26 you filled out a sign-up card on the way in or if
27 you'd like on the way out. Next slide.

1 In addition to presenting oral comments at
2 today's meeting, there are three ways to provide
3 written comments on or before September 2nd. By
4 writing to us at the address, above; if you happen to
5 be in the Rockville, Maryland area and you want to
6 come and visit us, we'd be happy to see you again; or,
7 by e-mail, which we find to be the most convenient
8 tool for people today in a technological environment.
9 All comments will be collected and considered as we've
10 received some of them already.

11 Let me remind you that you too have an
12 important role in this process and we look forward to
13 your active participation. We may or may not agree
14 with your views, but we will consider them as we move
15 forward. And with that, I'll be happy and I think
16 John will be happy, to take any questions that you may
17 have.

18 MR. CAMERON: Great. Thank you, Barry.
19 Very comprehensive. Before we go for questions, just
20 a couple of administrative points. Stacey Fox who
21 Barry mentioned who is assisting in managing the
22 project is right here. There is a meeting evaluation
23 form outside that helps us figure out how well we're
24 doing with these public meetings. So if you could, if
25 you have any comments or observations, please fill
26 them out and either leave them out or I believe
27 they're already franked, stamped. So you could just

1 throw them in a mailbox to us and after the meeting,
2 the staff will be here to talk with anybody who wants
3 to stay on.

4 We also have some of our expert
5 consultants with us who are managing the project from
6 the environmental point of view and they'll be here
7 also. And with that, I guess if we could get some
8 lights back on and we'll see if anybody has any
9 questions about the information that was presented.
10 Anybody have any questions on this? I know that it's
11 a lot of material and for those of you who aren't
12 familiar with license renewal at all, you may be a
13 little bit in the dark but Barry did a great job of
14 providing an overview. But any questions on the
15 presentations or license renewal that we can answer?
16 Okay, yeah.

17 MR. SHIRANI: My name is Oscar Shirani. I
18 am working for myself for Quality Assurance
19 Consultants and for the last almost two years I have
20 been a whistle-blower against Exelon Nuclear and I
21 have been out of job and my name has been banned from
22 the industry from the nuclear. I cannot find any job.
23 I even have job offer that I was supposed to start on
24 June 30th at Beaver Valley working for First Energy.
25 As soon as they heard my name, they rescind their
26 offer. And this is not the first one. Many times it
27 has happened.

1 I'm not going to bore the audience with a
2 lot of other details, but my question is what
3 assurance NRC is providing the public for the plant's
4 life extension and license renewal despite the fact
5 that I have found multiple discrepancies in the design
6 control processes? Fabrication control processes of
7 all the components, reactor analyses and associated
8 parts, and I will go through a bunch of them as an
9 example.

10 As part of the [In-service Inspection] ISI
11 activities in 1996 at Dresden Nuclear Station, NRC
12 found the wrong pump curve from Sargent & Lundy design
13 analysis for the reactor, boiling water reactor, at
14 Dresden. So they wrote a [10 CFR] 50.54(f) letter to
15 ComEd despite the fact that ComEd, two boiling water
16 reactors, Dresden, Quad Cities was on a watch list and
17 Zion was a PWR on the watch list.

18 And as a result because I was working for
19 Westinghouse and Stone & Webster and was a technical
20 guy, I was promoted to go from engineering to quality
21 assurance. That was the subject that I never wanted
22 to touch because I knew at my best I would be
23 everybody's enemy. That's number one. So I got a
24 promotion. I went to the nuclear and here is a bunch
25 of design analysis questions that NRC said okay, if
26 you, Exelon, running all these plants and Sargent &
27 Lundy is your major contractor and has made, you know,

1 a significant change and significant mistake in
2 deficiency in the analysis, what kind of assurance
3 you, Exelon or ComEd, providing us that you are in the
4 control of your suppliers?

5 So part of that 50.54(f) letter, I was
6 assigned because of being the technical background for
7 a few years in engineering and seven years in a QA.
8 They put me in a series of technical audits. In that
9 audit, I cited Sargent & Lundy and many other
10 suppliers and the major issues I found with the
11 General Electric Nuclear Energy which I called GENE at
12 San Jose, California. Me and the five technical
13 experts that I took from the industry, they were
14 expert in the thermal analysis, the structural
15 analysis, piping analysis and I was a structural
16 analysis expert and I have a master's degree and I
17 have been teaching design codes around the country.

18 Next week, June 20th, I will be teaching
19 design control assessment as a tutorial in [American
20 Society of Mechanical Engineers] ASME pressure vessel
21 piping and here is the material that I'm preparing to
22 teach the future engineers around the world, the
23 findings and the Codes. Not only am I providing the
24 Code requirements, the sections which I am giving the
25 teaching of the examples that I found, without
26 mentioning ComEd, without mentioning GE, without
27 mentioning Holtech, without mentioning U.S. Tool and

1 Die, these are the suppliers that I had to stop work
2 on.

3 I was the first one in the industry ever
4 to put a stop work against GE because 54 design
5 analyses failed all the Code requirements of 10 CFR
6 [Part] 50, Appendix B, which is quality assurance
7 criteria for nuclear power plants. And [ASME Code,
8 Subsection] NC-N45211 design control process and ASME
9 [Nuclear Quality Assurance] NQA-1 [Standard], 1981,
10 endorsed by NRC to Reg Guide 1.28, to Reg Guide 1.64,
11 to Reg Guide 1.152, and etc.

12 Design control process at GE was one
13 hundred percent complete failure. GE was the claimer
14 of the 6-Sigma. It means three deficiencies, one
15 million products. 54 design analyses, all 54, failed
16 for multiple reasons. My design report was only
17 focusing on the design section, one criteria out of
18 eighteen, came out with 179 pages. About 50 pages,
19 almost with a font size 8, deficiencies; 21 failed in
20 the design control process. It means I questioned the
21 structural integrity of all the reactor components,
22 boiling water reactors, controlled by GE and lack of
23 control and review by Exelon Corporation or ComEd at
24 that time.

25 Once I came back, the reason I am relating
26 it to the plant life extension, we already have a
27 problem. I already have operability concern with the

1 existing components, existing operating components in
2 the plants. I issued 21 findings to GE. ComEd
3 squeezed it to 13 findings; they removed the impact
4 statements. One of the findings which I overall gave
5 was a level one finding as was defined by ComEd that
6 these findings does have impact on the plant design
7 and operability and operation of the nuclear and
8 reliability of the units. They removed those
9 statements.

10 Ed Netzel, who was my boss and signed the
11 stop work order, he told me that the order came from
12 the top. The same guy, Mr. Oliver Kingsley, two weeks
13 after he came to the company and he knew stop work
14 order was in place, he came and removed the stop work
15 order without any justification and I would hope this
16 is 10 CFR [Part] 50, Appendix B, Criterion 16 and
17 Criterion 7, and Criterion 16 corrective action. It
18 says measure shall be established to assure conditions
19 adverse to quality such as failures, malfunction,
20 deficiencies, deviations, defected material and
21 equipment and non-conformities are promptly identified
22 and corrected.

23 In case of significant condition addressed
24 quality measure shall assure that the cause of the
25 condition is determined. Corrective action taken to
26 preclude repetition. Criterion 18 of the sentence 10
27 CFR [Part] 50, Appendix B, says follow-up action

1 including the re-audit of the deficiency area shall be
2 taken, not should be. It's a law. Not only they did
3 not do anything, quality assurance of the General
4 Electric was suspended by me, by my audit and my five
5 technical experts. Stop work order and we put it on
6 all the ComEd procurement process computer things that
7 no safety related procurement is allowed by GE. They
8 threw that in the garbage. They withheld that from GE
9 who was responsible for the design failure and that GE
10 was immediately hired by ComEd, by Oliver Kingsley,
11 immediately seven days after they lift my stop work
12 order.

13 Code allows me that I should perform a
14 follow-up to verify. I cannot take the face value of
15 the corrective action of a General Electric nuclear
16 energy, which their program, Quality Assurance, was
17 one hundred percent failure. With all these
18 deficiencies, ComEd took the rules of the GE for face
19 value because ComEd did not have expertise to review
20 all the design analyses by GE.

21 ComEd did not have expertise to do that.
22 General Electric would not allow ComEd to send its
23 proprietary documents to the competitors like Sargent
24 & Lundy and Bechtel to review. Therefore, because of
25 the cost reason, because of the delay in the nuclear
26 plants, because of the shutdown could be costing them
27 more than two million dollars a day, they walked all

1 over the Code. They fired all my managers and I took
2 this to NRC and they said you cannot make allegation
3 on behalf of the others.

4 Mr. Kombiz Salehi was called, came to my
5 court, testified that he lost his job. Ed Netzel, he
6 said once he went and approached the lawyer, they said
7 is the lead auditor still there? Yes. So you don't
8 have any case if the lead auditor's there. They kept
9 me. They got rid of anybody who had a fingerprint on
10 that stop work order. Now they slowly, and I have
11 documented all this on my December 3, 2001, report to
12 the NRC with two, three years of retaliation pressure,
13 intimidation and using F word. All I was doing I was
14 the ambassador of following the Code of Federal
15 Regulations. Because once they made me a lead
16 auditor, I swore to the G-d or to the Code, that I
17 would follow these. Because of my own personal
18 benefit, violate anything and walk all over the Code,
19 I could be subject to criminal prosecution.

20 Therefore, I'm requesting NRC, [Office of
21 the Inspector General] OIG and the public of the
22 United States to make a criminal prosecution of the
23 individuals, which I have names. Special interest
24 group of the United States utilities cannot walk on
25 the Codes and jeopardize the public and safety of this
26 nation.

27 We are not running fossil plants, we are

1 running nuclear plants.

2 MR. CAMERON: Oscar, I want to make sure
3 that you get a chance to finish what you're saying
4 because it's very, very serious and I do want to go
5 back to the question you posed and see if we can
6 address that. Obviously, we can't address all of your
7 specific comments, but I think that it's very
8 important for you to talk with the staff after the
9 meeting and I would just ask you to, if you have more
10 to say along this line, when we get very shortly to
11 the formal comment, to just come up and finish it up
12 with us.

13 But let me put your question before the
14 NRC staff. I think that you heard the generic point
15 that Oscar was raising and perhaps someone from the
16 NRC staff could talk to how in license renewal, I
17 think the safety evaluation question, how those types
18 of issues are looked at and whether, I think the point
19 was that there's deficiencies apart from the aging
20 issues and how are those issues looked at.

21 John, do you know where I'm trying to go
22 with this in terms of trying to provide some
23 information to the public? And I do think that we
24 need to talk to Oscar about some of the specifics
25 after the meeting because we can't go into those now.
26 Go ahead.

27 MR. TAPPERT: Right. There is certainly an

1 awful lot of information there. And, we know, your
2 sincerity is obvious.

3 MR. CAMERON: We're going to have to speak
4 up.

5 MR. TAPPERT: Speak up a little bit, I'm
6 sorry. Regarding license renewal, as we said earlier
7 in the presentation, when we look at the license
8 renewal application, we're kind of focused on the
9 aging management program from a safety standpoint.
10 And the rationale there is that -- what's new for an
11 additional twenty years? For the other aspects of
12 operation, the current licensing basis is carried
13 forward.

14 So [10 CFR Part 50,] Appendix B applies in
15 the current term, Appendix B will apply during the
16 future term. So there's no additional review, per se,
17 on that but those requirements are still in place and
18 if there's any violation that gets out of control, or
19 vendor suppliers, or what have you, those will be
20 followed up by inspection activities and other
21 mechanisms.

22 And certainly, you know, you sound to me
23 very familiar with our allegations process and, if
24 you've been making allegations, hopefully, the NRC has
25 been responding to you in keeping you apprised as to
26 the status of those reviews. We try to be very
27 responsive to those cases.

1 MR. CAMERON: We need to get you on the
2 transcript. Why don't you say what you're going to
3 say now, Oscar and we'll go on and then we'll get you
4 back up.

5 MR. SHIRANI: I followed the NRC
6 allegations exactly as the booklet over there and NRC
7 reviews has been only as a desktop review. They have
8 sent my, all allegations to Exelon to provide
9 independent review. They trusted Exelon that Exelon
10 can provide independent review and, you know, if I
11 wanted to do the investigations or the reports like
12 the NRC does, I could have sent my design checklist to
13 GE and say these are all the things I'm going to ask
14 you.

15 What I did at the GE, three months before
16 my audit, NRC did the inspections and they fully
17 endorsed the GE [Quality Assurance] QA program and I
18 mentioned that at the exit meeting. Once I went to
19 Holtech and U.S. Tool & Die and I attempted to put a
20 stop work, I was caught, caught and cursed, and used
21 F word against me, why I want to stop the production.
22 NRC was there six months before my audit and I have
23 documented in my executive report exactly what NRC
24 did.

25 NRC investigation is only looking at the
26 procedures, interview the managers and looking at some
27 documentation in a closed door. NRC's approach and I

1 told this to the Inspector General Assistant, George
2 Mulley, that these are just a desktop review. The
3 audit and inspection should be evaluated where the
4 rubber meets the road.

5 The shuttle [National Aeronautics and
6 Space Administration] NASA as you notice, that a foam,
7 non-safety related component failed and hit a safety
8 related component, which was not designed for that
9 speed. And that's one of the design sections of the
10 Code which I teach around the nation. And that is
11 coming to the point. David Helwig, who is in charge
12 of 7700 employees at the nuclear, has put, he did not
13 even understand the difference between commercial
14 grade dedication which is safety related with a
15 commercial grade item. This is a danger to the
16 public.

17 This man making the decision. This man
18 takes the QA which I was part of, takes it, puts it in
19 production, seven people running one hundred suppliers
20 and our chief who signs our audit report is only high
21 school kid. He's only worried about production. And
22 he admitted in the court, they said why, when Shirani
23 for two years was not allowed to go to GE to do
24 follow-up. He wanted to look at power uprate project
25 that's related to this. Why he was not allowed for
26 power uprate project? He said because Shirani's
27 audits are dealing with the calculations and I have

1 his transcription in the court and that gentleman was
2 recorded, he was in my court.

3 He said because he would have delayed the
4 LaSalle Power Uprate Project. The man with that guy,
5 Quality Assurance Criterion 1, it says production
6 under quality should not be in the same house. NRC
7 has approved that for one plant, Waterford 3, 1998 and
8 I'm going to make an allegation today and I have made
9 allegation to George Mulley that I would even reject
10 the idea of one plant out of 103 plants in the
11 country, that allows the quality assurance of the
12 safety related supplier in the hand of production.

13 David Helwig and Oliver Kingsley, once I
14 made that allegation, they send it to the NRC and NRC
15 said since we approved the Waterford 3, therefore, you
16 are allowed to do that. Therefore, I'm rejecting all
17 I have a big profile of twenty correspondences from
18 the NRC and I want a public hearing. I want a
19 Congressional Hearing and I want to tell the public
20 and I am going to make it in layman's term that a
21 seven year old kid understands my issue and worries
22 about their safety concepts. It's not the claim, I
23 have all the documents to support my allegations.

24 MR. CAMERON: Okay. Oscar, you know, we
25 heard that. We have it on the record. I think, at
26 this point, we should for the record just describe to
27 people what the NRC allegation process is. I think

1 we'd just restate what you said, John so that people
2 know that there is a process and obviously Oscar is
3 calling attention to perhaps some deficiencies in the
4 process but that the NRC takes these allegations of
5 safety deficiencies very seriously and has a process
6 in place to deal with allegations such as the type
7 that Oscar is raising.

8 And I think if you have anything more to
9 say about that, let's say it and get it on the record
10 and then go on and see if there's any other questions
11 and also get to the formal comment. I know that this
12 young lady wants to say something and I know that
13 we'll have Oscar come up again and Corey and others.
14 Okay, John?

15 MR. TAPPERT: Just what you just said,
16 Chip. I mean, the NRC has a program where, if any
17 member of the public has any concerns about safety
18 related activities at nuclear plants, they can come
19 forth to the NRC and we will follow up on those to
20 establish whether, in fact, there is an issue there
21 and take appropriate corrective action.

22 Now we can't speak to any -- you know, we
23 can't speak to those issues that you raised right now,
24 but certainly after the meeting or we can discuss what
25 other forms we can address as concerns.

26 MR. CAMERON: Any other questions about,
27 let's go back to the update as the Generic

1 Environmental Impact Statement license renewal or are
2 there any questions on those presentations? You don't
3 have any right now, okay. All right.

4 Let's go to public comment and we'll go
5 back for any questions that there might be. I'm going
6 to ask Cynthia Sauer to come up to talk to us and then
7 we'll go to Corey and then we'll go back to Oscar,
8 okay? And Cynthia, can we lower the microphone too
9 for her?

10 MS. SAUER: Good evening. Can everyone
11 hear me?

12 MR. CAMERON: That was good.

13 MS. SAUER: I want to thank you for the
14 opportunity to comment this evening. My husband,
15 three daughters and I moved to a small town outside of
16 Morris, Illinois, in Grundy County several years ago.
17 The County is made up of suburban and rural settings.
18 We never questioned if this small community had any
19 risk factors until 2001, when an eighteen month old
20 child, who happened to be a patient of mine, was
21 diagnosed with a brain tumor.

22 Three months later, my own seven year old
23 daughter was diagnosed with a brain tumor. Following
24 her diagnosis in the same year, two more pediatric
25 brain tumors were diagnosed. Amidst her surgery,
26 treatments, I began to question the etiology of this
27 sudden increase in pediatric brain tumors. I asked

1 alternative various professionals in the medical,
2 legal, academic and Federal institutions for
3 assistance. I learned some surprising facts and
4 information which I would like to share with you
5 tonight which have raised a serious concern in my mind
6 as well as many other parents.

7 In Grundy County, under the cancer
8 mortality rate of all ages, from 1996 to 1999, was
9 eighteen percent above the U.S. Infant mortality rate
10 has been on a steady increase. And in the County
11 from, and I want to make sure I state these right,
12 from 1995 through '99, it is forty-eight percent above
13 other Illinois counties and sixty percent above the
14 U.S.

15 The incidence of pediatric cancer is on
16 the rise. From one child under the age of fifteen
17 diagnosed in the late 1980s and one child in the early
18 1990s to six in the late 1990s. I am currently
19 waiting anxiously for the statistics for the 2000 time
20 period. I know of four.

21 During my inquiries, I would be asked
22 where I lived and, when I said Grundy County it first
23 amazed me and then I became curious, I would get the
24 same initial response, "Oh, you live near Dresden."
25 I learned some interesting facts about Dresden as
26 well. I was informed that the plant has the highest
27 airborne radioactive emissions of the 72 U.S. nuclear

1 plants. I was also informed that Exelon has admitted
2 to violating the EPA's Safe Drinking Water Act by
3 illegally dumping hazardous waste material for
4 approximately a 10-year time period in the 1990s and
5 agreed to a settlement with the Illinois Attorney
6 General's office.

7 Recently, I picked up my neighborhood
8 newspaper and read that Dresden has agreed to pay a
9 fine for giving inaccurate facts and their
10 spokesperson stated they acknowledged that they gave
11 incorrect and incomplete information to the NRC. It
12 was noted in this article that it was a willful
13 violation of NRC regulations. It appears that Exelon
14 has a willful disregard and disrespect for the current
15 rules and regulations of the various governing bodies
16 over them. And that these fines and these settlements
17 really do not have a sufficient impact on their
18 disposal wealth.

19 And they do not have a concern for the
20 safety, health and well-being of the public. I have
21 been advised by physicians, by medical researchers, by
22 geologists, physicists and, yes, even, and I want to
23 stress unofficially, by the EPA, to keep asking about
24 the safety of the nuclear facility in my area and why
25 the leading cause of death in an area that it says
26 here economically is not at high risk of cancer, has
27 as the leading cause of death, cancer.

1 I challenge you to take the responsibility
2 to strictly enforce your current standards and to
3 become much more actively involved in preventative
4 health issues and environmental issues.

5 I want to borrow an excerpt from an
6 author, Max Lucado, which to me seems very fitting at
7 this time. "This is no cruise ship we're on. It's a
8 battleship. We aren't called to a life of leisure.
9 We are called to a life of service. Each of us has a
10 different task. We're different, we are the same.
11 Each of us can tell of a personal encounter with the
12 Captain for each of us has received a personal call."

13 For those of you involved in the safety of
14 nuclear energy, who may have forgotten your call, I
15 feel that my Sarah can best remind you of your call
16 and your responsibility. And this is what Sarah told
17 me personally she wanted to say to you this evening.

18 MISS SARAH SAUER: Please protect the
19 children from this awful disease and don't put bad
20 things in our water, air and -- thank you.

21 MS. SAUER: And, in closing, I once again
22 challenge you to the call and I also ask for your
23 prayers for my Sarah and for all of the Sarahs in this
24 world. Thank you.

25 MR. CAMERON: Okay, thank you very much
26 Cynthia and Sarah. It takes quite a bit of courage to
27 come down and talk to us and thank you for reminding

1 us of that challenge and you do have and will have our
2 prayers for Sarah but thank you. Corey?

3 MR. CONN: Good evening. My name is Corey
4 Conn. I am here representing myself as an individual
5 member of the public and I am also a member of the
6 board of Nuclear Energy Information Service in
7 Evanston, Illinois.

8 My immediate concern is that a number of
9 site specific concerns that will be and are likely
10 being raised right now by engineers may, inadvertently
11 or purposely, be disregarded over such a period of
12 time that a number of reactors will in fact have their
13 licenses renewed when it is not in the public interest
14 to do so.

15 And I base this on a relatively small
16 sample. However, I believe it is significant, the
17 result of this sampling, because of the pattern that
18 has emerged. I wanted to point out that it is
19 absolutely essential to the underlying confidence and
20 faith that anyone may ever have in the work of the
21 Commission that a principal as important as the
22 independence of quality assurance from production,
23 that that be recognized and maintained. It is
24 enshrined in the [10 CFR Part 50,] Appendix B, however
25 I'm deeply concerned that there is an existing
26 gentleman's agreement that these need not be unheard
27 and can in fact be dismantled as needed during

1 corporate mergers.

2 For a recent example, the case of Mr.
3 Shirani. But I want to point out that the pattern
4 that I'm very concerned about is that engineers, in
5 very specific areas of expertise, have again and again
6 raised very valid and often completely unchallenged
7 technical concerns and they have received from their
8 employers, from the licensees, a very consistent type
9 of treatment.

10 I will just say very quickly the handling
11 of the concerns of Mr. Curtis Overall while working
12 with [the Tennessee Valley Authority] TVA. TVA
13 managers, I read now from the Circuit Court of
14 Appeals, a decision in the case 01-3724 [*Tennessee*
15 *Valley Authority v. United States Secretary of Labor,*
16 *59 Fed. Appx. 732, No. 01-3724 (6th Cir. Mar. 6, 2003)*
17 *(affirming DOL)]*. It states TVA managers decided to
18 rescind the June 2nd of '95 metallurgical report.
19 This June 2 report raised many troubling questions
20 that, if investigated, could have further delayed the
21 start-up operations.

22 Then TVA transferred responsibility for
23 [Problem Evaluation Report 9500246] PER 246 away from
24 Overall. Once Overall was removed from the process,
25 TVA declined to follow through with the remaining
26 investigatory steps called for in the corrective
27 action plan and summarily closed the file. The [U.S.]

1 Department of Labor [DOL] reasonably inferred that the
2 TVA managers were engaging in a cover-up of PER 246 to
3 prevent further cost delays to commencing operations.

4 And finally, the Department of Labor
5 reasonably inferred that part of this cover-up
6 included an organized scheme to remove Overall from
7 Watts Bar, and that's the facility in question at the
8 time. He answered by not filing a retaliation claim
9 by promising him what was represented to be an equally
10 attractive and secure job in the services
11 organization.

12 And then it came to a time when I met Mr.
13 Shirani and have been following how his valid and
14 absolutely undisputed technical allegations have been
15 handled first by the employer then by the Commission.
16 And it worries me because it's a small sample of two
17 cases that I'm familiar with. But in both cases, I
18 think wrongful, negligent and criminal actions have
19 been taken in an effort to promote production or to
20 pursue a schedule.

21 And I'm worried here at the time when we're
22 considering the extension of time and the renewal of
23 licenses, that these might be the fundamental
24 guideposts that the Commission works from when trying
25 to resolve difficulties or trying to accommodate
26 reality as it emerges. Now there is, depending on
27 which events you discuss, from Chalk River [in Canada,

1 1952], Windscale [Pile No. 1, in England, 1957], and
2 [Stationary Low Power Plant No. 1] SL-1 [in Idaho,
3 1961], and Fermi [Unit 1, in Michigan, 1966] in '66
4 and Three Mile Island [in Pennsylvania, 1979], my
5 goodness, I don't know, it depends on what level of
6 severity and where in the world -- one talks it is
7 possible to state that there is an interval or main
8 interval between actions that are severe. In
9 particular, those which go as vessel or resultant
10 fires that burn vigorously for days or eject molten
11 fuel from the apparatus.

12 But that interval is finite. It's difficult
13 to estimate. You'll get different answers depending
14 on who you speak to but where would each of us want to
15 be when it is said that at the next hour the Governor
16 is expected to make an address with regard to the new
17 update to the changing boundary of the evacuation
18 zone. Would we want to have enshrined and defended a
19 process which scrunches and eviscerates the warnings
20 given by the engineers or will we find that we've done
21 our best to publicize and to develop and respond to
22 the very real and I think insurmountable, possibly
23 insoluble technical problems that this has presented.

24 I can understand the investor's enthusiasm
25 to pursue license renewal but I find it really
26 unconscionable that we should be considering doing
27 this with this pattern in place. That's my concern

1 this evening. Thank you.

2 MR. CAMERON: Okay. Thank you, Corey.
3 Oscar, I would ask you to, you had a couple of things
4 that you asked the NRC tonight. I think you probably
5 want to emphasize that again but I would ask you not
6 to necessarily go back through all the information
7 that you've already provided us but finish up saying
8 what you wanted to say. And so please give your name
9 again, so we have it.

10 MR. SHIRANI: [Referring to the Court
11 Reporter,] He was three days with me at the DOL here.

12 License renewal. It relies on the existing
13 analysis and the control of the existing analysis to
14 provide assurance that everything, all the
15 modification, all the design, all the orders has been
16 adequately controlled and everything is in process.
17 Therefore, you provide assurance to the public that
18 since I operated this plant for forty years, I can do
19 it another twenty years.

20 Now, once we came back from General Electric
21 with the findings, immediately Quality Assurance
22 Manager and engineering managers, they all agree to
23 the severity of the findings and they said stop work
24 is imminent. So the managers were there and they had
25 seen the calculations that they were familiar with and
26 the reactor analysis and the component analysis. They
27 said let's pick up few of his calculations to look

1 into it for operability concern. They called GE
2 immediately over the phone and GE did the analysis and
3 the analysis changed.

4 The reactor temperature and pressure for
5 that component in question was .53 psi left to the
6 margin. That was 1997. There was no power uprate
7 project. 1998 up until now, power uprate project has
8 been alive and kicking by Exelon at all of its nuclear
9 plants. If the component has only .53 psi allowable
10 for the reactor component and vessels that we
11 investigated, 50, and one of the calculations shows
12 that, [then] what assurance you going to give to ComEd
13 or to the public that Exelon is in control of the
14 design or that GE is in control of the design?

15 We would have had to stop work in three
16 months without verifying and the follow-up by Code of
17 Federal Regulations, is a willful and deliberate
18 violation of the Codes. License renewal is an
19 extension of acceptable deserving components. If we
20 don't have that assurance, for two years, the Code of
21 Federal Regulations, it says and also NRC says, the
22 significant condition and obligation of a technical
23 nature has to be resolved within one hundred and
24 eighty days.

25 Most of my allegations which was recorded on
26 December 3, 2001, to the NRC started after one year
27 just to look into it. They didn't even get up and go

1 to it and look at the design? Why didn't ComEd? Why
2 raise the [10 CFR] Part 21 issue in Zion? Or read the
3 Part 21 issues, they were buying mom-and-pop shop
4 commercial grade valve, upgraded to safety-related
5 analysis and they were shaving off the pressure bonnet
6 area.

7 And I was manager of the motor operated
8 valve seismic and the weak link analysis for four
9 years. I was in charge of 1600 safety-related valve.
10 I know what is original to your valve or residency of
11 the valve could impact the analysis. I find out that
12 these commercial grade items were put on a safety-
13 related pipe with no analysis. I raised that
14 question.

15 I came to the exit meeting. The Vice
16 President of the site and everybody was so upset from
17 engineering said, where are these analyses? I have a
18 letter that they confirm that I raised the Part 21 and
19 they admired me for that. That was the last time I
20 was ever allowed to go to any nuclear station and
21 ComEd as a technical specialist.

22 Now plant's life extension is a continuation
23 of the same garbage. If you don't have design
24 control, I have written many papers in [American
25 Society of Mechanical Engineers] ASME. One of the
26 curves that I have put in a stress versus a strain,
27 you have to operate in the elastic region. You are

1 not even allowed to reach the yield unless you do an
2 operability concern. You're supposed to stay in that
3 elastic region. If you don't have the control of the
4 design, you could be way above elastic region and you
5 could be in the plastic fracture and the material is
6 -- to be plastic, it could be glass.

7 And that's why I have allegation for the dry
8 cask storage. I understand your pain. None of those
9 casks that are sitting at Dresden loaded are
10 adequately controlled by design and I have raised that
11 to ComEd. I raised the level one framing, I shot down
12 GE. I raised a framing level one against ComEd
13 engineering and all the nuclear sites for not
14 reviewing the design analysis. Because [10 CFR]
15 50.54(f) letter from NRC, November 12, 1996, they told
16 ComEd, you don't have processes in place.

17 They went and put GE as a success, they got
18 attaboy because they hide the findings. They got
19 credit that now we know how you control your vendors,
20 that they may tell the truth because 50.54(f) letter.
21 And the truth here is on the watch list would have to
22 make NRC to shut down in the plant. And my manager on
23 November 19th of 1997, Mr. Edward Netzel, I told him,
24 don't lift the stop work. We have not verified the
25 corrective action from GE.

26 If the -- GE has been one hundred percent
27 suspect, you only can accept design analysis and the

1 approved quality assurance program not under suspended
2 quality assurance program. Therefore, the requirement
3 and the comment of Commonwealth Edison was you're like
4 procurement plan. Procurement plan is not the
5 procurement process that Exelon lied to NRC this is
6 procurement process. And NRC without investigation
7 says your procurement process is okay. Procurement
8 plan was not the procurement process. Many of us did
9 not understand that.

10 Procurement plan, I find Mr. Bill Bitaney,
11 for one year I was chasing him around the whole State
12 of Illinois to find him. He was the guy who was
13 Procurement Manager. He had in his ex-wife's shed,
14 found two copies of the 17 procurement plans that we
15 wrote. 17 procurement plan was to put all of the
16 design requirement of the ASME [Code, Subsection] NC
17 and 10 CFR [Part] 50 criteria and three for the design
18 control in the procurement plan, in order. Why?
19 Because there is suspicions about the GE procurement
20 program. So therefore, all the analyses done by GE
21 has to come and be reviewed, prepared and approved by
22 ComEd cognizant engineer, supervisor and a QA.

23 And I gave a copy of it to the NRC and I
24 said this is about twenty-one. You know what NRC
25 investigation after a year talking to the lawyers of
26 the GE and they're coming back oh, they stop work that
27 they did during that time was finished after lifting

1 stop work. I said first, I don't have no, I'm not
2 given no credibility and legitimacy to the lifting of
3 the stop work order in three months later.

4 GE said we have made corrective action.
5 Code tells me without you as a lead auditor, very fine
6 that and it's on the statement, on a [Freedom of
7 Information Act] FOIA this is information that Paul
8 Gunter and David Lochbaum in Washington has put a FOIA
9 and in that when Exelon admits that the QA lead
10 auditor is the one means to verify the corrective
11 action. I don't know how they slipped their hand
12 because they are master in falsifying record and I
13 have proof that we show to ALJ, but unfortunately
14 Administrative Law Judge doesn't understand technical
15 issues and I didn't expect it.

16 Dr. Landsman of NRC came and said false,
17 this is false information. August 4th of 2000, I
18 wrote my audit report of U.S. Tool and Die for the
19 cask, we did nine findings, embarrassing the NRC's
20 inspection, paperwork inspection. It was right in my
21 executive summary. That's why NRC did have no
22 incentive to really look into my case. They have to
23 side with ComEd. I am upset with the system. There
24 is a flaw in the system. There is written all over my
25 manager came to the court, one of my managers said
26 David Helwig told all the supply managers that Shirani
27 was not going to be promoted into nuclear. Even

1 before they kicked me to finance, I have enough
2 evidence to give the NRC. Dr. Landsman went and told
3 Shirani is removed out of the nuclear once he talked
4 to me seven days after November 30th.

5 And he was suspicious. He wanted NRC to
6 protect me. You know what they told the Federal
7 agent, NRC inspector. They said you cannot make an
8 allegation on his behalf, he has to come forward. And
9 you know what I did? Once I went forward, they
10 actually said it's too late. That's why I think it's
11 an incentive. My audits, I did not mean to embarrass
12 anybody. I followed the Code of the law and I
13 followed my job and I did my audit report. I'm very
14 proud of them. All the findings that I found are in
15 violation of the Codes that NRC has endorsed. None of
16 them is Oscar Shirani's belief. And I'm going to
17 stand above all of it.

18 Holtech, Exelon and all these guys telling
19 the news reporters for the last two, three weeks that
20 he is making up things. Why don't they come with all
21 their technical experts and prove me wrong? Why are
22 they trying to just mud the water and lie, the vicious
23 lies to just protect their own cost and schedule on
24 the product. It's very scary. Seven people are in
25 charge of one hundred suppliers of safety-related
26 components in all of their reactors of Commonwealth
27 Edison. Their manager is only highest one here. If

1 I admit any garbage in my design, he would not
2 understand it because he is the agent. And he said it
3 in the court.

4 MR. CAMERON: Oscar, I'm going to have to ask
5 you to sum up for us. I think that we get the concern
6 and seriousness of this and Mr. P.T. Kuo would like to
7 say something to you about that. But if you could
8 just finish up for us so we can go on. Thank you.

9 MR. SHIRANI: The reason I want to talk about
10 10 CFR [Part] 50, Appendix [B], because they are one
11 organization. My manager at the court says well,
12 there was a change in philosophy in ComEd at the time.
13 It used to be a company that kind of separated church
14 and state I would say, quality and production. And
15 that's why he did not want me to go in the power
16 uprate project in 1999, two years later, despite the
17 emphasis that the [Title 10 of the] Code of Federal
18 Regulation[s Part 50, Appendix B,] Criterion XV and
19 XVI and XVIII says for the control of design of
20 Section 3, that shall be prompt, within six months.

21 Two years later I was allowed to go to do
22 follow-up because all the manager were scared of David
23 [sic, Oliver] Kingsley and David Helwig. Now these
24 people are in charge of all these nuclear reactors.
25 It scares me. There is no oversight, absolutely there
26 is no oversight.

27 Criterion I of the 10 CFR [Part 50, Appendix

1 B] has been put in the garbage like those 17
2 procurement plans. And I made a copy of those
3 procurement plans. I gave it to the NRC. NRC did not
4 even follow it up. They did not even call the
5 attorney. His attorney said I am willing to talk.
6 They never even called him for the witness. They
7 never even called any of my witnesses. I have a
8 witness in Human Resources and I have his tape because
9 he put his message on my voicemail that they demoted
10 me in January 2000. Exelon with their exhibits, with
11 their repeated requests of the court, they could not
12 prove that they did not demote me.

13 Without even being kicked by the finance,
14 within a nuclear department for three years, I have
15 documented numerous examples of retaliation,
16 intimidation, pressure. Because why? Because I was
17 doing my job and I thought NRC would love me. I had
18 very much respect for the NRC but unfortunately since
19 November 1st when I walked over there and I went and
20 described the things, as soon as I discussed that Dr.
21 Landsman supported me, the NRC inspector, senior
22 inspector, dropped his pen and went like that in
23 disbelief. I know that's the result of investigation
24 is for everyone.

25 Sorry that I --

26 MR. CAMERON: That's not. I understand why
27 you're emotional about this obviously and thank you

1 for sharing that with us. P.T., do you want to say
2 anything?

3 MR. KUO: Yes, I just want to say to all of
4 you that have spoken, Ms. Sauer, Corey and Oscar,
5 okay. Anyway, based on what I just heard, it is a
6 very, very serious allegation that I don't know the
7 details about it, so I cannot comment on it too much.
8 But I want to make sure from what I heard from you is
9 that you have been in contact with NRC groups.
10 Whoever you dealt with, do you know who you dealt
11 with?

12 MR. SHIRANI: People from Region III and a
13 few --

14 MR. KUO: Okay. And have you gotten any
15 response to your allegation so far?

16 MR. SHIRANI: Last year I was supposed to
17 receive the result of my allegation.

18 MR. CAMERON: We're not getting this.

19 MR. SHIRANI: September 2002, I was calling
20 Jim Heller of NRC Region III, that I have more
21 information to share with you. He says Oscar you
22 don't need to come any more because our investigator
23 has finished his field work and then we're going to
24 wait and see. And I said how long is it going to
25 take? And she said about six to seven more weeks and
26 then I said okay, that's fine.

27 September, it took until the Department of

1 Labor went December 17 through 19 until April of 2003,
2 the [Administrative Law] Judge ruled that the lady who
3 laid you off from finance didn't know about your
4 particular activity. That's the only clause that I
5 lost the case, prima facie case. NRC two weeks ago
6 cut-and-pasted ALJ's response and said here is the
7 result. You applied for higher position. I did not
8 apply for higher position. NRC cannot even read the
9 stuff from Exelon. Exelon didn't even lie like NRC
10 did.

11 MR. CAMERON: Okay. Thanks, Oscar. I think
12 it's time to finish up.

13 MR. KUO: Yes, to finish up. Thank you very
14 much again, Oscar. Again, I will say thank you for
15 taking your time to come here to let us know your
16 case, but, because we don't know the detail of it, we
17 cannot comment on it right now. But we will take your
18 case back and talk to whoever that has been dealing
19 with your case before and find out; and we will let
20 you know, okay? It appears that the NRC staff has
21 talked to you already so that, when we go back, we
22 will find out who that may be and we will let him know
23 that you were here tonight and told your case here.

24 MR. SHIRANI: I must add, I'm supposed to
25 meet the [Office of the Inspector General] OIG
26 assistant from July 21st and 22nd, because the request
27 came from the Senator Reid -- office to the OIG and

1 that's how I am meeting them on July 21st .

2 MR. KUO: Okay, very good. Thank you very
3 much. It looks like you also are familiar with the
4 license renewal process based on what I heard from
5 you. So your understanding is correct, the license
6 renewal process is based on the assumption that
7 current operating reactors are safe to operate. That
8 part is correct. I want to confirm that and also I
9 don't want to have any technical arguments with you
10 here.

11 But, just based on what I heard a little bit
12 from you, I want to make sure that you know that there
13 are certain things that could be different than what
14 your understanding is. You talk about everything has
15 to be in the elastic range. I'm sure you are familiar
16 with the [ASME] Code. The Code says, depending on the
17 loading condition combinations that certain conditions
18 that the stress can go beyond yield. You understand
19 that, I'm sure. And that's all I want to say. And
20 thank you all and we will take your questions back to
21 the office.

22 MR. CAMERON: Okay. Thank you very much,
23 P.T. Is there anybody else that wants to say
24 anything, ask any questions? Okay. Then I think I'm
25 going to ask John to close this out and please stay so
26 that we can talk to you after we adjourn the formal
27 part of the meeting. And I'm going to ask John

1 Tappert to close it out for us. John?

2 MR. TAPPERT: Thanks, Chip. And, once again,
3 thank all of you for coming. As Barry said earlier in
4 the presentation, the scoping period does continue
5 until September 2rd and we'll be happy to receive any
6 comments that you have between now and then. People
7 with the name tags will be staying after the meeting
8 if you have any additional questions or would like to
9 discuss any of the issues further. And once again,
10 thanks for coming and have a good evening.

11 (The meeting adjourned at 8:50 p.m.)

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